



STATE OF WASHINGTON  
APPLICATION TO ENTER A WATER RIGHT INTO  
THE TRUST WATER RIGHT PROGRAM



NOTE: THIS FORM IS ONLY TO BE USED FOR THE  
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease  
☐ Purchase  
☒ Donation  
☐ Other

Explain:

X Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_  
END DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

FOR OFFICE USE ONLY	
FILE No. <u>CS4-004775111</u>	WRIA <u>39</u>
DATE ACCEPTED <u>02/23/2012</u>	BY <u>[Signature]</u>
FEE \$ <u>0</u>	REC'D <u>02/17/2012</u>
CHECK No. <u>[Signature]</u>	
SEPA: <input type="checkbox"/> Exempt	<input type="checkbox"/> Not exempt

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

**1. Applicant Information:**

APPLICANT/BUSINESS NAME Harrell & Sons Farms, LLC Sprinkler Conversion Project	PHONE NO. (509) 248-6030	FAX NO. (509) 453-6880
ADDRESS c/o Lawrence E. Martin, Esq. and Paul C. Dempsey, Esq. Velikanje Halverson P.C. P.O. Box 22550 <a href="mailto:lmartin@vhlegal.com">lmartin@vhlegal.com</a> <a href="mailto:pdempsey@vhlegal.com">pdempsey@vhlegal.com</a>		
CITY Yakima	STATE WA	ZIP CODE 98907

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
ADDRESS		
CITY	STATE	ZIP CODE

**2. Water Right Information:**

WATER RIGHT OR CLAIM NUMBER Adjudication Court Claim No. 00477	RECORDED NAME(S) Harrell & Sons Farms, LLC
DO YOU OWN THE RIGHT? X YES NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? X YES <input type="checkbox"/> NO ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? No, but the Manastash Creek Restoration Project has plans to provide metering at the MWDA/Consolidated Diversion in the near future.	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

COVER CLAIM 00477 SUB 11 MANASTASH 06-30-1878 = 1 = 54-83513-J	FOR OFFICE USE ONLY
WATER RIGHT NO. _____	FILE (contract) NO. _____

CS4-004775111



3. How is Water to be Made Available for Trust?

<input type="checkbox"/> Alteration in method of diversion	<input type="checkbox"/> Alteration in water use/ irrigated acreage
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input checked="" type="checkbox"/> Alteration in method of water application	<input checked="" type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:

Name of funding source(s): Kittitas County Conservation District's Bonneville Power Administration  
Manastash Instream Flow Grant

WATER RIGHT DESCRIPTION \*

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek		NW	NE	14	17N	17		
500 feet south and 150 feet east of the north quarter corner of Section 14, being within the NW ¼ NE ¼ of Section 14, T. 17 N., R. 17 E.W.M.								

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Claim NO. 00477 (irrigation of 80 acres)	1.84 cfs 0.92 cfs	626.8	April 1 – June 30 March 1 – March 30 and July 1 – October 31

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
The portion of the water right to be placed in trust is to be used exclusively for instream flows for fish maintenance and enhancement, recreational uses and preservation of environmental and aesthetic values as allowed under Chapters 90.03 and 90.38 RCW. The portion of the water right to be placed in trust and not diverted is described at paragraph 7.2 below. The portion of the water right that will continue to be diverted is described at paragraph 7.3 below.	266.579 AF/y at full water right allotment.

654-00477  
CTC@6

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
<b>Within Township 17 N., Range 18 E., WM:</b>  Within Section 5: Gov Lots 3 & 4, and the NE ¼, and the S ½ of the NW ¼, and the N ½ and SW ¼ of the SW ¼ plus that portion of the SE ¼ of the SW ¼ north of Hanson Rd, and the NW ¼ of the SE ¼ and the N ½ of the NE ¼

\* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.



of the SE ¼ plus that portion of the SW ¼ of the SE ¼ north of Hanson Rd.; and

The SE ¼ of Section 6; and

The NE ¼ NE ¼ NE ¼ of Section 7; and

**Within Township 18 N., Range 18 E., WM:**

The S ½ SE ¼ of Section 32.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
NE S ½	multiple	5	17 N.	18 E.	Kittitas	17-18-05010-0001	698.3
	SE	6	17 N.	18 E.	Kittitas	17-18-05020-0001	
	NE	7	17 N.	18 E.	Kittitas	17-18-05040-0004	
	SE	32	18 N.	18 E.	Kittitas	17-18-06010-0001	
						18-18-32040-0007	
						18-18-32040-0010	

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

**6. Place of Use (continued)**

**B. Proposed:**

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
Manastash Creek instream flow enhancement.

**7. Remarks and Other Relevant Information:**

**7.1**

This sprinkler conversion project and associated trust application is part of the Manastash Creek Restoration Project, which is working to improve fish habitat for listed Mid-Columbia summer steelhead, as well as other salmonids and resident fish species, by providing fish passage and fish screening and enhancing instream flow in Manastash Creek. The project is working to open 25 miles of fish habitat in the Creek by providing fish passage and screening for seven irrigation diversions and by improving instream flow in a 3-mile stretch of Creek that is seasonally dry. The Manastash Creek Restoration Project "Implementation Plan" details improvements to instream flow conditions in Manastash Creek through voluntary water conservation and acquisition projects.

The Applicant, through a cost share agreement with KCCD, will upgrade from rill irrigation to a more efficient corner pivot sprinkler system. The saved water from the conversion will be trusted in perpetuity to the Washington Trust Water Right Program for instream flow enhancement in Manastash Creek. Currently, the Applicant utilizes rill irrigation to irrigate a 100-acre section of Timothy hay on their property. Approximately 97.8 acres will be converted to a pivot sprinkler; approximately 2.2 acres will remain in rill irrigation. The 100-acre section of land **does not** have supplemental water rights from the Kittitas Reclamation District (KRD) or West Side Irrigating Company.

For this project, the Applicant proposes to trust the following amounts listed below when the full instantaneous rates are available. Additional pro-rationing of trust water can occur as Creek flows recede. There are two separate water rights and trust applications associated with this sprinkler conversion project.

**7.2 Applicant's Trust Water Donation**

Claim 00477: 6<sup>th</sup> class water right, 1878

March 1 <sup>st</sup> – March 31 <sup>st</sup>	0.4 cfs	24.595 ac/ft
April 1 <sup>st</sup> – June 30 <sup>th</sup>	0.8 cfs	144.397 ac/ft
July 1 <sup>st</sup> – October 31 <sup>st</sup>	0.4 cfs	97.587 ac/ft
<b>Total 6<sup>th</sup> class</b>		<b>266.579 ac/ft</b>

**Source:** Manastash Creek  
**Use:** Instream Flow  
**Period of use:** March 1<sup>st</sup> through October 31<sup>st</sup> in perpetuity  
**Quantity:** 266.579 AF/y at full water right allotment.



**Priority Date:** June 30, 1878  
**Place of Use:** Manastash Creek downstream from the MWDA/Consolidated point of diversion to the confluence with the Yakima River.

### 7.3 Applicant's Post-Project Irrigation Use

**Claim 00477:** 6<sup>th</sup> class water right, 1878

**Source:** Manastash Creek  
**Purpose of Use:** Irrigation of 80 acres  
**Period of use:** March 1 through October 31 for irrigation  
**Annual Quantity:** 360.221 AF/y for irrigation  
**Priority Date:** June 30, 1878  
**Point of Diversion:** 500 feet south and 150 feet east of the north quarter corner of Section 14, being within the NW ¼ NE ¼ of Section 14, T. 17 N., R. 17 E.W.M.

PURPOSE OF USE POST PROJECT	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Claim No. 00477 (irrigation of 80 acres)	0.52 cfs 1.04 cfs 0.52 cfs	360.221	March 1 – March 31 April 1 – June 30 July 1 – October 31

### 7.4 Construction Schedule

It is anticipated that the completion of the Harrell & Sons Farms, LLC sprinkler project will take place prior to the 2012 irrigation season. We request a construction schedule for implementation of this project for the 2013 irrigation season to ensure completion and testing of the new irrigation system.

### 7.5 Trust Application Attachments

February 9, 2012, Order *Pendente Lite* Re: Temporary Change in Places of Use, which confirms the pre-trust attributes of the subject water right as of the date of this Application.

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, P.O. Box 47477, Olympia, WA 98504-7477.

## 8. Signatures:

*I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.*

Carl Harrell, member 2 / 16 / 2012  
(Harrell & Sons Farms, LLC, Applicant) (Date)

Carl Harrell, member 2 / 16 / 2012  
(Harrell & Sons Farms, LLC, Water Right Holder) (Date)

Carl Harrell, member 2 / 16 / 2012  
(Harrell & Sons Farms, LLC, Land Owner of Existing Place of Use) (Date)

**IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION \_\_\_\_\_ IS INCOMPLETE

☐ OTHER/EXPLANATION: \_\_\_\_\_

**STAFF:** \_\_\_\_\_ **DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_